

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.	09/884,095	Conf. No.	2413
In Re Application of:	Blocher et al.	Art Unit:	3629
Filed:	06/19/2001	Dkt. #:	END920010013US1 (IBME-0017)
Cust. No.:	23550	Examiner:	Brooks, Matthew L.

Title: **BUSINESS PROCESS CONTROL POINT TEMPLATE AND METHOD**

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**REPLY BRIEF**

This is a reply brief, which is being filed in response to the Examiner's Answer dated March 14, 2008 to address new clarifications to the Examiner's position presented in the Examiner's Answer.

**ARGUMENT**

In responding to Appellants' arguments with respect to the claims, the Examiner presents different arguments and support than those previously relied upon.

In particular, the Examiner states that the prior art reference, the PRAM reference, teaches "a separate template for each control point" as claimed in the claims because pg. D of the reference shows each control point on its own row, even though they are all on one page. The Examiner goes on to state that the PRAM reference discloses this "separate template" limitation in the claims because PRAM provides "all the risks onto one page for easy review and graphical visualization." (Examiner's Answer, p. 5). In response to the Applicants' arguments, the

Examiner also states that the PRAM reference teaches identifying actions to address the risks, arranging the identified actions in a template, and then combining the templates into one document for better visualization. The Examiner then argues that it would be obvious to look at one row separately in order to focus on the individual control point. (Examiner's Answer, p. 10).

Applicants respectfully disagree with the Examiner's position, and believe a clarification of Applicants' position is necessary. Applicants are not arguing that simply because the PRAM reference has risks on one page, it therefore doesn't disclose the separate templates claimed in the claimed invention. Instead, Applicants submit that the PRAM reference does not disclose providing or arranging the same type of information in separate templates as claimed in the claimed invention. Therefore, it is not merely a question of separating out two elements that are already in the prior art by providing information on two different pages. For example, as Applicants stated in their Appeal Brief, in contrast to the claimed invention, the PRAM reference does not disclose a template that identifies whether the risk has actually occurred. In response to this argument, the Examiner cites new support in the PRAM reference by citing the right hand column of Fig. 3 of the PRAM reference, p. D which states "use follow-up meetings to verify documented requirements" and is followed by positive/negative "consequences." This section of the column that the Examiner refers to is the "mitigation" action. The PRAM reference defines this information as "the first course of action determined to eliminate, reduce, or prepare for the risk (e.g., call vendor weekly for three weeks prior to delivery date and impose late penalty fee.)" PRAM, p. C. Although the reference uses the term "documented," it is not referring to actual documented test results. Instead, it is just referring to documented "requirements" of a project, such as a delivery date. Determining a course of action to mitigate risks, such as calling a vendor

before a delivery date, does not provide information to identify whether the risk has actually occurred.

The second column the Examiner refers to in the PRAM reference is the “consequence” column, defined as the percentage of impact estimated if risk is reduced or worse than planned. PRAM, p. C. Again, this information is not equivalent to testing information that determines whether a risk has actually occurred. Instead, it is just another part of the process disclosed in PRAM to estimate risk. The template in PRAM does not contain, list, or arrange any of the methods/tests used by the estimator and the client to identify a specific occurrence of a risk.

In contrast, the present invention discloses, *inter alia*, a method for reviewing a business process that includes a standard template for arranging business process review information, wherein the information includes a set of tests to be performed by a test entity in a test field. This allows all review information for a particular control point to be arranged in a separate template and stored so that reviewers, auditors or the like can refer to the template to accurately and efficiently perform their duties. The PRAM reference fails to disclose this claimed feature. Even assuming, *arguendo*, that the PRAM reference discloses generally a template for identifying risks, Applicants submit that the PRAM reference does not disclose a template to identify whether the risk has actually occurred. Accordingly, Applicants submit that the PRAM reference fails to disclose each and every element of claim 1.

With respect to independent claims 7, 10, 12, 16, 19, 23, 26, and 28, Applicants herein incorporate the arguments made above with respect to claim 1. With respect to dependent claims 2, 4-6, 8-9, 11, 13-15, 17-18, 20-22, 24-25, 27, and 29-30, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the claims

depend. The dependent claims are believed to be allowable based on the above arguments, as well as for their own additional features.

### **Conclusion**

In summary, Appellants submit that claims 1-2 and 4-30 are allowable because the Examiner has not shown that all the claim limitations are taught or suggested by the prior art. In particular, the Examiner has failed to support the burden of establishing a prima facie case of obviousness over the PRAM reference. Therefore, Appellant submits that the obviousness rejections are untenable and requests that the Board reverse the rejections set forth in the Office Action.

Respectfully submitted,

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